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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,069	06/20/2000	Christopher Scott Thorman	15301-US	6207

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EXAMINER

TORRES, ALICIA M

ART UNIT

PAPER NUMBER

3671

DATE MAILED: 06/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/597,069

Applicant(s)

THORMAN ET AL.

Examiner

Alicia M Torres

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 21 is/are rejected.
- 7) ☒ Claim(s) 2-20 and 22-53 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: line A-A in figure 8 as described in the specification in line 2 of page 5. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

2. The disclosure is objected to because of the following informalities: the terminology between the specification and the claims is inconsistent, for instance:

The specification discloses a bracket (28), which appears to be referred to as the “first plate” in the claim set;

the “elongated assembly” is specified as the plate structure (62) in the specification, however, there is an “elongated portion” in the claim set that appears to refer to the tube (50, 134), wherein the tube was never referred to as an “elongated portion” in the specification;

in the specification, the first plate is designated at reference number “64”, however it appears that in the claim set, the mounting plate (54) is the “first plate”;

in the specification, the second plate is shown at (66), however, in the claims, it appears the mounting plate (54) is named the “second plate”;

the plates (64, 66) are claimed as a pair of dispersion plates in the claims, wherein they were never referred to in this way in the specification, and were called simply the first and second plates.

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Appropriate correction is required and the claim set as well as the specification should be amended to make the terminology consistent and the invention clear. Claim 21 uses terminology consistent with that in the specification.

3. The disclosure is objected to because of the following informalities: the specification fails to disclose where the second plate is adjustably connected with the elongated portion as claimed in claim 32.

Appropriate correction is required.

#### *Claim Objections*

4. Claim 1 is objected to because of the following informalities:

an "a" should precede the word "first" in line 7;

there is lack of antecedent basis for "the means" located in line 7, as it is unclear if this is means for attaching or the means for transferring liquid;

there is lack of antecedent basis for item c) "a hose fitting inserted in another of the holes of the first plate", as the specification discloses a hose fitting (46) in bracket (28) and simply a bore (86) located in the first plate (64).

Claim 2 recites the limitation "a pair of liquid dispersion plates" in line 1. There is insufficient antecedent basis for this limitation in the specification.

Claim 7 recites the limitation "a liquid dispersion assembly" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 32 is objected to because of the following informalities:

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there is lack of antecedent basis for item c) “a hose fitting inserted in another of the holes of the first plate”, as the specification discloses a hose fitting (46) in bracket (28) and simply a bore (86) located in the first plate (64);

there is lack of antecedent basis for “the means” located in line 7, as it is unclear if this is means for attaching or the means for transferring liquid.

it is unclear as to which part of the invention the “flexible elongated member” is referring. In the specification, the “elongated assembly” is shown at reference number “62”. However, the only flexible part disclosed is the “flexible tube” shown at reference number “134”.

Appropriate correction is required.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Jameson.

Jameson discloses a washing device (25) for an underside of a mower cutting deck (15), the device (25) comprising:

a) a first plate (33) for attaching the device (25) to the deck (15), the plate (33) having a plurality of holes therein (60, see figure 9);

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b) a means (45) for attaching the first plate (33) with the deck (15) and which extends through one of the holes (46) of the first plate (33);

c) a hose fitting (26) inserted in another of the holes (52) of the first plate (33); and

d) a means (70A, 70B) for transferring liquid, the means (70A, 70B) having an elongated portion having a first end (70A) attached to and communicating with the fitting (26) to conduct liquid therethrough and a second end (70C) including a second plate (32), the second plate (32) having a plurality of holes (65, 70C, see figure 11), one of which is a liquid flow hole (70C) accommodating liquid therethrough.

7. Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by McCain.

Mccain discloses a mower cutting deck (1) comprising:

a) at least one cutting chamber (3) having an aperture (not shown) positioned in the middle of a top surface (13) thereof and a depending surrounding skirt (15);

b) a spindle (4) placed through the aperture and mounted to the chamber (3);

c) a blade (5) mounted on an end of the spindle (4) and within the chamber (3); and

d) a liquid dispersion assembly (20) mounted to an underside of the chamber (3) and including first (23) and second (25) plates engaged with each other, the second plate (25) having a channel (28) to control the flow of liquid therethrough and above the blade (5).

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***Allowable Subject Matter***

8. Claims ~~2~~-6, 8-20, and 22-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 32-53 are allowed.

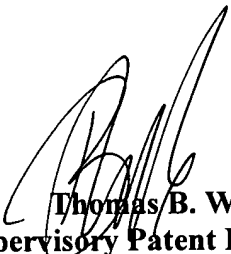
***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hengesbach, Sanner, and Wheeler have been cited as of interest.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 703-305-6953. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 703-308-3870.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 703-305-3597.

  
**Thomas B. Will**  
**Supervisory Patent Examiner**  
**Group Art Unit 3671**

AMT  
May 28, 2003